

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARCUS D. YOUNG,

Petitioner,

vs.

ROBERT LEGRAND, *et. al.*,

Respondents.

3:12-cv-0474-LRH-WGC

ORDER

In this habeas corpus action, petitioner seeks reconsideration of the Court's denial of counsel (ECF No. 11) and respondents move for an enlargement of time to file their response to the habeas petition (ECF No. 13). Respondents request until January 31, 2013, to file their response.

In his motion to reconsider the appointment of counsel, petitioner argues that his claims are complex and the only reason he has been able to file a petition is because he has had help and has copied it word for word from his state post-conviction petition. As previously advised, petitioner is not entitled to counsel and it is in the Court's discretion based on various factors whether or not counsel is to be appointed. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), *cert. denied*, 469 U.S. 838 (1984). Having examined the claims raised and evaluated their complexity, and considering the length of petitioner's sentence, the Court shall grant the motion and appoint the Federal Public Defender for the District of Nevada (FPD) to represent petitioner. If the FPD is unable to represent petitioner, due to a conflict of interest or other reason, then alternate counsel for petitioner shall be located, and the Court will enter a separate order appointing such alternate counsel. In either case, counsel will represent petitioner in all future federal

1 proceedings relating to this matter (including subsequent actions) and appeals therefrom, unless allowed
2 to withdraw.

3 **IT IS THEREFORE ORDERED** that petitioner's Motion to Reconsider Appointment of
4 Counsel (ECF No. 11) is **GRANTED**. The Federal Public Defender is appointed to represent Petitioner.

5 **IT IS FURTHER ORDERED** that the Clerk shall **ELECTRONICALLY SERVE** the Federal
6 Public Defender for the District of Nevada (FPD) a copy of this Order, together with a copy of the
7 petition for writ of habeas corpus and its attachments (ECF No. 4). The FPD shall have thirty (30) days
8 from the date of entry of this Order to file a notice of appearance or to indicate to the Court its inability
9 to represent petitioner in these proceedings.

10 **IT IS FURTHER ORDERED** that, after counsel has appeared for petitioner in this case, the
11 Court will issue a scheduling order, which will, among other things, set a deadline for the filing of a First
12 Amended Petition.

13 **IT IS FURTHER ORDERED** that respondents' motion for time (ECF No. 13) is **DENIED AS**
14 **MOOT**. The above mentioned scheduling order shall inform respondents of the timing for their
15 response.

16 DATED this 28th day of January, 2013.



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19 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE